

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHN FRANKLIN WRIGHT, JR.,

Plaintiff,

v.

SARAH O'BRIEN and MEGAN STONER,

Defendants.

ORDER

11-cv-544-wmc

Plaintiff John Franklin Wright, Jr., an inmate at the Dane County Jail in Madison, Wisconsin, has submitted a proposed complaint. He asks for leave to proceed *in forma pauperis*. Because plaintiff is in custody, he is subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether he can proceed with his complaint *in forma pauperis*, plaintiff will have to make an initial partial payment of the filing fee.

From the inmate account statement plaintiff has submitted, I calculate his initial partial payment to be \$5.00. Plaintiff is reminded that this is just the first step in obtaining leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. After he sends in the payment, the court will review his complaint to decide whether to grant plaintiff leave to proceed on it. Leave will not be granted if the action must be dismissed as malicious or legally “frivolous,” a term that means that the complaint does not allege a claim of any kind. Leave can be denied also if the complaint does not state a claim on which plaintiff could obtain relief under the law or if plaintiff is asking for money from a defendant who is legally protected from having to pay money in his case. Plaintiff should show a copy of this order to jail officials to insure that they are aware they should send plaintiff’s initial partial payments to this court.

ORDER

IT IS ORDERED that plaintiff John Wright, Jr. is assessed \$5.00 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$5.00 on or before August 23, 2011. If, by August 23, 2011, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 2nd day of August, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge